HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 8123 of 2007

31.12.2007

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Between:

Amaravathi Township Welfare Association,
Ramakrishnapuram, Vijayawada,
Rep. by its Secretary Mr.K. Ravisankar
& others

… Petitioners

AND

Vijayawada, Guntur, Tenali, Mangalagiri Urban
Development Authority,
Vijayawada rep. by its Vice Chairman

… Respondent

Counsel for the petitioner : Sri P. Girish Kumar

Counsel for the respondent : Smt. K. Aruna

O R D E R:

With the consent of learned counsel appearing for both parties, the writ petition is taken up for disposal at the interlocutory stage.

This writ petition is filed for a writ of mandamus to declare the action of the respondent in issuing notices seeking cancellation of allotment of plots on the ground that the petitioners have not commenced and completed the construction on the allotted plots as illegal.

At the hearing, Sri P. Girish Kumar, learned counsel for the petitioners submitted that the notices impugned in this writ petition are issued by the respondent without any jurisdiction. The learned counsel stated that neither under the provisions of the Andhra Pradesh

Urban Areas (Development) Act, 1975 (for short, 'the Act') nor under the conditions of allotment, any stipulation is made for completion of construction on the plots allotted and registered in favour of the petitioners and that, therefore, the impugned notices are without jurisdiction.

Smt. K. Aruna, learned Standing Counsel fairly submitted that though such a stipulation is not contained either in the Act or under the terms of allotment, in the interest of development of the plot, the respondent issued the said notices.

I have carefully considered the submissions of the learned counsel for the parties. The respondent is a statutory authority constituted under the provisions of the Act. It is, therefore, its duty to act within the bounds of the provisions of the Act and the Rules made there under. If the respondent is not vested with the power to cancel the allotment of plots that have already been registered in favour of the petitioners on the ground of failure to construct buildings therein, it is beyond its power to issue any notices of the nature which were impugned in this writ petition. It has come out that even under the terms of allotment, the respondent has not reserved any such right. Therefore, I am satisfied that the impugned notices issued by the respondent are without jurisdiction and are accordingly quashed.

The writ petition is, therefore, allowed.

As a sequel to disposal of the writ petition, W.P.M.P. No. 10436 of 2007 is dismissed and order dated 20.04.2007 is vacated. W.V.M.P.No. 3030 of 2007 filed by the respondent for vacating order dated 20.04.2007 is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

31.12.2007

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